

Remarks

Applicants have thoroughly considered the Examiner's remarks in the Final Office Action dated September 6, 2007. Applicants acknowledge the Examiner's indication of allowable subject matter in all the pending claims 1-31. Claims 1, 11, 21, and 31 have been amended to address the rejections under the first and second paragraphs of 35 U.S.C. § 112. Accordingly, Applicants submit that the amendments to claims 1-31 place the application in condition for allowance. Should the Examiner not consider the application with the claims as amended to be in condition for allowance, Applicants respectfully request a telephonic interview with the Examiner to discuss advancing prosecution.

I. Rejection of Claims 1-31 under 35 U.S.C. 112, First Paragraph

Claims 1-31 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner does not consider the specification to be enabling for assets other than loans. Applicants disagree.

The claims recite a "portfolio of assets." Applicants submit that the term "assets" encompasses financial instruments, and is not limited to loans. Such an interpretation of the term "assets" is supported by the common meaning of the term known to one of ordinary skill in the art, and is supported by the specification: "A large number of assets **such as** loans, e.g., ten thousand loans **or other financial instruments**...." Application, page 1, lines 7-8.(emphasis added).

Further, the specification describes the operation and functionality of the invention as recited in the claims with reference to assets and financial instruments generally, and only refers to loans in a non-limiting way. In fact, the term "loan" appears within the detailed description a mere six (6) times each in a non-limiting way, while the term "asset" appears more than two hundred and thirty (230) times. Applicants submit that it is unreasonable for the Examiner to contend that the specification is only enabling for loans at least because the claimed invention is applicable to, and described in, a manner that is not specific to loans. Without further specificity

regarding the Examiner's position on the rejection under the first paragraph of 35 U.S.C. 112, Applicants submit that the rejection of claims 1-31 should be withdrawn.

II. Rejection of Claims 1-31 under 35 U.S.C. 112, Second Paragraph

Claims 1-31 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In particular, the Examiner contends that the "computing" step is vague and indefinite. Applicants disagree, but have amended the claims for clarify. For example, in each of the independent claims, an underwriting operation is performed. Further, amended claim 1 recites "receiving a computed value...said computed value corresponding to the fully underwriting of each asset included within the first valuation portion..." (emphasis added). Applicants submit that the received, computed value corresponds to the underwriting, and thus the receiving operation is neither vague nor indefinite. This amendment is supported by the specification at least on pages 7 et seq.

For at least these reasons, Applicants submit that Claims 1-31 are definite and particularly point out and distinctly claim the subject matter of the invention. Accordingly, Applicants respectfully request that the rejection of Claims 1-33 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Conclusion

Applicants submit that the claims are allowable for at least the reasons set forth herein. Applicants thus respectfully submit that claims 1-31 as presented are in condition for allowance and respectfully request favorable reconsideration of this application.

Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited aspects of the invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 01-2384.

Respectfully Submitted,



Daniel M. Fitzgerald
Registration No. 38,880
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070